

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BALLARD MARINE CONSTRUCTION, INC.

Plaintiff,

v.

EHW CONSTRUCTORS, a Joint Venture;  
SKANSKA USA CIVIL, INC.; AMERICAN  
BRIDGE COMPANY; and NOVA GROUP,  
INC.

Defendant.

NO. 3:16-cv-05633-RBL

DECLARATION OF DEAN REYNOLDS  
IN SUPPORT OF BALLARD'S  
OPPOSITION TO EHW'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT

I, Dean Reynolds, make this declaration based on my personal knowledge and, if called to testify, I would be competent to do so.

1. I am the Chief Operations Officer for Ballard Marine Construction, Inc. ("Ballard"), plaintiff in this lawsuit. I worked on the MCON P-990, Explosives Handling Wharf #2 ("Project") and participated in communications with EHW during the course of Ballard's work on the Project. I have also reviewed correspondence between Ballard and EHW regarding the submittals.

2. In late August or early September 2013, I attended a telephonic conference with Ballard Marine estimator Michael Eakin, and EHW field engineer Neal Hogge. During the

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1 call, Mr. Hogge commented that there had been issues on the Project that caused the schedule  
2 to slip and that EHW was now ready for Ballard to start work at the Project. Mr. Hogge said  
3 the only submittal needed was a weld procedure submittal ("WPS"). Ballard provided EHW  
4 with the WPS on September 3, 2013.

5 4. It is my understanding based on conversations with Ballard's project staff and  
6 representations by EHW that the delay in Ballard starting its work at the Project was due to the  
7 number of craned barges already on site and not because Ballard was delayed in providing  
8 submittals. There was no room for Ballard to set up its equipment in order to begin its work  
9 under the Subcontract.

10 I declare under penalty of perjury of the laws of the State of Washington that the  
11 foregoing is true and correct.

12 EXECUTED this 3<sup>rd</sup> day of December, 2018, at Washougal, Washington.

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15 Dean Reynolds

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2018, I had electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants.

DATED this 3<sup>rd</sup> day of December, 2018

s/Erin J. Varriano  
Erin J. Varriano, WSBA #40572  
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